



COUNTY OF LOS ANGELES
CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

March 15, 2004

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Tina Sheffield v. County of Los Angeles
Los Angeles Superior Court Case No. BC 204 180

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$250,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Public Social Services.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Department of Public Social Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fsl

Enclosures

MEMORANDUM

February 18, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CALVIN HOUSE
Gutierrez, Preciado & House LLP

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Tina Sheffield v. County of Los Angeles
Los Angeles Superior Court Case No. BC 204180

DATE OF
INCIDENT: October 20, 1997 through November 6, 1997

AUTHORITY
REQUESTED: \$250,000

COUNTY
DEPARTMENT: Department of Public Social Services

CLAIMS BOARD ACTION:

☐

Approve

☐


Disapprove

☒

Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
LLOYD W. PELLMAN


_____, Auditor-Controller
MARIA M. OMS

on March 15, 2004

SUMMARY

This is a recommendation to settle for \$250,000, a lawsuit filed by a Los Angeles County Department of Public Social Services employee, Tina Sheffield, who alleges that she was sexually harassed by one of her co-workers, and that her supervisors failed to take timely corrective action on her behalf.

LEGAL PRINCIPLES

The County may be held liable for sexual harassment where the harassment is sufficiently pervasive so as to alter an employee's environment and create an abusive working environment (hostile work environment). In addition, the County may be liable for harassment and for hostile work environment where an agent or supervisor of the County knows of the offensive conduct and fails to take immediate and appropriate corrective action.

When an employee prevails in a lawsuit brought under FEHA, the employee is entitled to an award of reasonable attorney fees.

STATEMENT OF FACTS

Tina Sheffield was an Intermediate Typist Clerk in the Department of Public Social Services. On October 30, 1997, one of Tina Sheffield's female co-workers telephoned her at home outside of work hours. According to Tina Sheffield, the co-worker revealed that she was attracted to her. Tina Sheffield told the co-worker that she was not attracted to her and ended the conversation.

The next day, Tina Sheffield told her supervisor about the telephone call from the co-worker, and indicated during the conversation that she was afraid of the co-worker. The supervisor told Tina Sheffield that she would inform the District Director of the office of her concerns the following week, when the director returned to work.

That same day, the co-worker called Tina Sheffield at work three times and asked her out on a date. Tina Sheffield said no and ended the conversations. Tina Sheffield reported those additional calls to her supervisor.

On November 3, 1997, Tina Sheffield left work to attend a class. On the way out of the office, she heard her co-worker calling her name in an angry tone, causing Tina Sheffield to run to her class.

The following day, November 4, 1997, the co-worker passed Tina Sheffield in the hallway and made an angry gesture with her fist. Tina Sheffield claims that she also reported this to her supervisor. That same day, the supervisor

discussed Tina Sheffield's concerns with the District Director, who determined that the co-worker's behavior constituted sexual harassment under the County's policy.

On November 6, 1997, the co-worker walked past Tina Sheffield in the office and threatened her. The co-worker initially walked away from Tina Sheffield, but then returned and started hitting Tina Sheffield on the back of her head and neck. The co-worker was immediately sent home.

Tina Sheffield went home after the assault by the co-worker. She filed a worker's compensation action and is on long-term disability. She has not returned to work since the incident.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Loss of income	\$168,000
Loss of future income	\$ 62,000
Emotional distress	\$250,000
Attorney's fees and costs	<u>\$250,000</u>
Total	<u>\$730,000</u>

The proposed settlement calls for the County to pay \$250,000 to Tina Sheffield for all of her claims for damages, costs, and attorney fees.

STATUS OF THE CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Our attorneys were initially successful in obtaining judgment for the County in this case. However, the Court of Appeal reversed the judgment, and sent the case back to the trial court for trial. As we were preparing the case for trial, this proposed settlement was reached.

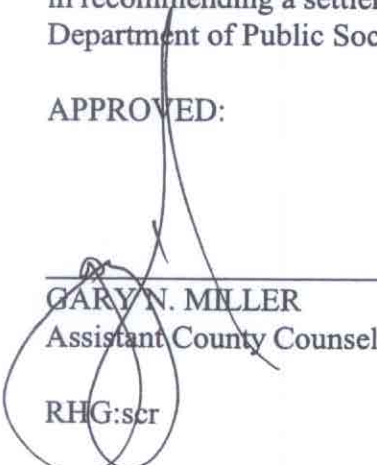
Expenses incurred by the County in defense of this action are attorney fees of \$78,016 and \$5,633 in costs.

EVALUATION

This is a case of disputed liability. While the Department was made aware of the initial phone calls made by the co-worker to Tina Sheffield, there was no indication that the co-worker would become violent. However, the Department did not take immediate action once the harassment was reported. Even after the District Director determined that harassment had occurred, Tina Sheffield and the co-worker were not separated pending the investigation, resulting in the physical altercation.

We join with our private attorneys, Gutierrez, Preciado & House, in recommending a settlement of this matter in the amount of \$250,000. The Department of Public Social Services concurs in the recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel

RHG:scr

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES

CORRECTIVE ACTION REPORT

LAWSUIT OF DPSS Employee Tina Sheffield vs. COLA

RISK ISSUE

DPSS is liable for the conduct of its employees. In this case, Tina Sheffield reported sexual harassment by a coworker to her supervisor, and the supervisor failed to take immediate and appropriate corrective action to prevent further harassment. The supervisor's failure to take immediate and appropriate corrective action exposed the Department to legal liability.

BACKGROUND

DPSS employee Tina Sheffield, Intermediate Typist Clerk, assigned to the Metro Family Workforce Services Office, alleged that she had been sexually harassed at work by a coworker. Between the time period October 30 and November 4, 1997, the coworker conducted inappropriate behavior towards Ms. Sheffield and acted in a threatening manner. Ms. Sheffield further alleged that the harassment culminated when the coworker assaulted and battered her at work on November 6, 1997. As a consequence of the assault and battery, appropriate disciplinary action was imposed on the coworker.

Ms. Sheffield took the appropriate action by informing her supervisor, who in turn reported the allegations to the District Director of the harassment. However, neither responded to Ms. Sheffield's complaint in a timely manner, resulting in a physical altercation between Ms. Sheffield and her coworker.

CORRECTIVE ACTION

DPSS policies and procedures on sexual harassment existed at the time of the incident.

In light of the incident that prompted the settlement agreement, DPSS has implemented the following corrective action plan:

- ❖ On October 23, 2000, the Department issued Human Resources Memo #00-101, releasing a brochure from the Office of Affirmative Action Compliance entitled "Information for Employees on Sexual Harassment." This brochure contains the County's sexual harassment policy.

The Department is preparing an Human Resources Memo to re-release the "Information for Employees on Sexual Harassment" brochure. The Human Resources Memo is targeted for release in March, 2004.

- ❖ The Department has instituted the DPSS Training Academy for newly hired employees. The Training Academy courses incorporate a presentation on the DPSS policy related to sexual harassment.
- ❖ The Department's sexual harassment policy continues to be emphasized to all employees. On an annual basis, the Department issues a Human Resources Memo for the "Annual Review of Departmental Personnel Policies" (the last memo was issued on May 15, 2003). This memo includes the requirement for all staff to review DPSS Personnel Manual Section 8700 that contains the policy and procedures which has zero tolerance for sexual harassment. All Departmental employees must sign a "Statement of Understanding of Departmental Values, Professional Ethics and Personnel Policies" acknowledging their awareness of Department and County policies and procedures, including sexual harassment.
- ❖ DPSS closely adheres to its existing policy and institutionalized procedures in investigating sexual harassment allegations. Office/Section Heads are mandated to report incidents of alleged sexual harassment to the Human Resources Division (HRD) upon discovery. HRD is mandated to report incidents to the Office of Affirmative Action Compliance within two days of discovery, to conduct a thorough investigation and to report its findings and recommendations to the Office of Affirmative Action Compliance.
- ❖ DPSS continues to maintain an active, vigilant investigative arm in its Internal Affairs Section to deal with incidents of sexual harassment. Internal Affairs investigates cases that are not handled by Office/Section Heads, such as those involving sexual harassment of Departmental participants, and sensitive cases involving managers.
- ❖ The Department would be prepared to impose the appropriate disciplinary action on the supervisor and District Director in light of the fact that neither responded to Ms. Sheffield's complaint in a timely manner. However, both have since retired from County service.